

RESPONSE TO NON-FINAL OFFICE ACTION

Serial No. 09/991,755

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Attorney Docket No. 10013227-1

Title: METHOD AND APPARATUS JOB RETENTION

REMARKS**In the Specification**

Paragraph 0016 is amended herein for typographical errors. Applicant contends the correction is apparent in context and that no new matter is introduced thereby.

In the Claims

Claims 13 and 19 are amended herein for typographical errors. Applicant contends the correction is apparent in context and that no new matter is introduced thereby.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-5, 10-12 and 15-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hansen (U.S. Patent No. 7,072,057 B1). Applicant notes that the cited reference does not qualify as a reference under 35 U.S.C. § 102(b), having published after Applicant's filing date. However, Applicant will address the merits of the rejection as the reference does qualify as a reference under 35 U.S.C. § 102(e).

The Office Action asserts that Hansen discloses an image device comprising a processor. Office Action, page 2, section 2, second paragraph (citing Hansen, column 6, lines 35-46). Applicant notes that the cited section of Hansen is discussing the characteristics of its job preparation workstation 116, and not its production output devices 122.

Hansen states that job preparation involves preparing documents for printing. Hansen, column 5, lines 15-16. Hansen further states, "For the job preparation stage 106, the computer network 106 includes job preparation workstations 116, scanners 124 and network servers 118 coupled with the store front workstations 114 over the network 112." Hansen, column 6, lines 14-17. The job preparation stage 106 of Hansen occurs prior to its print production stage 108. Hansen, Figures 1a-1b.

Hansen continues that its job preparation stage 106 places the various file formats into a unified file format by distilling or converting them to a "ready for printer" or "print ready" format. Hansen, column 5, lines 27-50. Hansen further states, "[Non-ready for printer] file formats must be first converted to a ready for printer file format before they can be printed." Hansen, column 5, lines 65-66.

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The print production stage 108 follows the job preparation stage 106 of Hansen. Hansen, column 7, lines 22-23. "In the print production stage 108, the final form of the documents for printing is sent to a print server 120 which will distribute the job to the final output device 122." Hansen, column 7, lines 23-26. Applicant thus contends that Hansen purports to send only print jobs that are in a print-ready format to its output device 122, or imaging device, as Hansen has converted the print jobs to a print-ready format prior to entering its print production stage 108.

Applicant has carefully review the cited reference and contends that there is no teaching or suggestion in Hansen to send an archive file to its output device 122 that contains one or more print jobs that are not in a print-ready format. In fact, as demonstrated above, Hansen expressly teaches converting non-ready for printer file formats to a ready for printer file format prior to sending information to its imaging device.

Applicant further contends that Hansen does not purport to teach or suggest the use of archive files for job retention for an imaging device. Applicant has expressly defined the term "archive file" as, "An archive file is a collection of computer files that have been packaged together for backup, to transport to some other location, for saving away from the computer so that more hard disk storage can be made available, or for some other purpose." Where an explicit definition is provided by the Applicant for a term, that definition will control interpretation of the term as it is used in the claim. MPEP § 2111.01(III) (*citing* *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999)). Applicant further contends that its express definition of the term is consistent with the ordinary meaning of the term.

Applicant also contends that Hansen does not purport to discuss archiving of print jobs except with reference to its network servers 118. *See*, Hansen, column 6, lines 24-31. There is no reference of providing an archive file, as that term is defined by Applicant, to the output devices 122 of Hansen. Thus, Applicant contends that Hansen cannot teach or suggest, in a method of job retention for an imaging device, receiving an archive file and performing operations based on the archive file type received.

Claim 1 recites, in part, an imaging device comprising "a processor adapted to receive and recognize archive files from one or more sources and perform operations based on the archive file type, wherein each archive file comprises one or more print jobs that are not in a print-ready format." Applicant contends that the cited reference fails to teach or suggest at least

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this limitation as the imaging device of Hansen does not purport to receive or recognize archive files containing one or more print jobs that are not in a print-ready format, nor to perform operations based on the archive file type.

Claim 10 recites, in part, a method of job retention for one or more imaging devices comprising "receiving an archive file containing one or more print jobs not in a print-ready format" and "performing one or more operations based on the archive file type received." Applicant contends that the cited reference fails to teach or suggest at least these limitations as the job preparation and print production stages of Hansen do not purport to receive archive files containing one or more print jobs that are not in a print-ready format, nor to perform operations based on the archive file type.

Claim 16 recites, in part, a computer-usable medium having computer-readable instructions stored thereon for execution by a processor to perform a method of job retention for an imaging device comprising "receiving an archive file containing one or more print jobs that are not in a print-ready format" and "performing one or more operations based on the archive file type received. Applicant contends that the cited reference fails to teach or suggest at least these limitations as the job preparation and print production stages of Hansen do not purport to receive archive files containing one or more print jobs that are not in a print-ready format, nor to perform operations based on the archive file type.

In view of the foregoing, Applicant contends that claims 1, 10 and 16 are patentably distinct from the cited reference. As claims 2-5 include all patentable limitations of claim 1, claims 11-12 and 15 include all patentable limitations of claim 10, and claims 17-18 include all patentable limitations of claim 16, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b), and allowance of claims 1-5, 10-12 and 15-18.

Claim Rejections Under 35 U.S.C. § 103

Claims 9, 13-14 and 19-20

Claims 9, 13-14 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hansen (U.S. Patent No. 7,072,057 B1) as applied to claims 1, 10 and/or 16, in further view of Mastie et al. (U.S. Patent No. 6,145,031).

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Applicant contends that it has shown claims 1, 10 and 16 to be patentably distinct from the primary reference of Hansen. Applicant further contends that the secondary reference of Mastie et al. fails to overcome the deficiencies of the primary reference as it, too, fails to teach or suggest receiving archive files containing one or more print jobs that are not in a print-ready format, and performing operations based on the archive file type. As these elements are missing from both references, the combination must also fail to teach or suggest the limitations of Applicant's claims 1, 10 and 16. Applicant thus contends that claims 1, 10 and 16 are patentably distinct from the cited references, taken either alone or in combination.

As claim 9 includes all patentable limitations of claim 1, claims 13-14 include all patentable limitations of claim 10, and claims 19-20 include all patentable limitations of claim 16, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a), and allowance of claims 9, 13-14 and 19-20.

Claim 7

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanson (U.S. Patent No. 7,072,057 B1) as applied to claims 1 above, and further in view of Venkatraman et al. (U.S. Patent No. 5,956,487).

Applicant contends that it has shown claim 1 to be patentably distinct from the primary reference of Hansen. Applicant further contends that the secondary reference of Venkatraman et al. fails to overcome the deficiencies of the primary reference as it, too, fails to teach or suggest receiving archive files containing one or more print jobs that are not in a print-ready format, and performing operations based on the archive file type. As these elements are missing from both references, the combination must also fail to teach or suggest the limitations of Applicant's claim 1. Applicant thus contends that claim 1 is patentably distinct from the cited references, taken either alone or in combination.

As claim 7 includes all patentable limitations of claim 1, this claim is also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claim 7.

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Claims 6 and 8

Claims 6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanson (U.S. Patent No. 7,072,057 B1) further in view of Collard et al. (U.S. Patent No. 5,825,988).

Applicant contends that it has shown claim 1 to be patentably distinct from the primary reference of Hansen. Applicant further contends that the secondary reference of Collard et al. fails to overcome the deficiencies of the primary reference as it, too, fails to teach or suggest receiving archive files containing one or more print jobs that are not in a print-ready format, and performing operations based on the archive file type. As these elements are missing from both references, the combination must also fail to teach or suggest the limitations of Applicant's claim 1. Applicant thus contends that claim 1 is patentably distinct from the cited references, taken either alone or in combination.

As claims 6 and 8 include all patentable limitations of claim 1, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 6 and 8.

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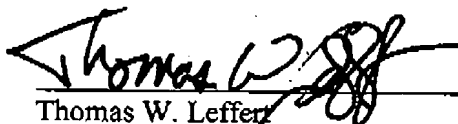
CONCLUSION

Claims 13 and 19 are amended herein. Claims 1-20 are currently pending.

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

Date: 11 OCT 07

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